

Editor's note: Reconsideration denied by Order dated April 7, 1987

JUAN MARTIN

IBLA 82-668

Decided March 15, 1983

Appeal from decision of New Mexico State Office, Bureau of Land Management, dismissing a protest against noncompetitive oil and gas lease NM 35880.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: First-Qualified Applicant -- Rules of Practice: Protests

A protest against issuance of an oil and gas lease is properly dismissed where it is based on vague allegations of noncompliance with leasing regulations and is unsupported by facts showing that the successful drawee should be disqualified.

APPEARANCES: Juan Martin, pro se; Robert J. Uram, Esq., Office of the Field Solicitor, Santa Fe, New Mexico, for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

In the simultaneous oil and gas leasing program of the Bureau of Land Management (BLM), the drawing entry card of Debbie Jones was drawn with first priority for parcel NM 281 in the December 1978 filing period. Oil and gas lease NM 35880 was issued to Ms. Jones effective March 1, 1979, for lots 1, 2, 3, 4, and 5, S 1/2 NE 1/4, SE 1/4 NW 1/4, and SE 1/4 sec. 6, T.20 N., R. 7 W., New Mexico principal meridian, containing 486.33 acres, comprising parcel NM 281. Subsequently, the lease was assigned to A. Lansdale without reservation of any overriding royalty, effective June 1, 1979, and from Lansdale to Seabrook Corporation with reservation of 5 percent overriding royalty, also effective June 1, 1979. Thereafter, effective July 1, 1980, an undivided 50 percent interest in the lease was assigned to Champlin Petroleum Company and an undivided 25 percent interest was assigned to Norcen Petroleum, Inc.

On October 30, 1981, Juan Martin, whose drawing entry card had been given second priority for parcel NM 281 in the December 1978 filing, filed

a protest, suggesting that the drawing entry card of Debbie Jones was illegal or fraudulent. The protest of Martin was dismissed by the New Mexico State Office, BLM, decision of March 4, 1982. Martin appealed.

On appeal, Martin suggests, without proof, that Debbie Jones was part of a scheme to provide an undisclosed entity greater chances for success in obtaining a lease in the simultaneous leasing program.

Although the Field Solicitor, Santa Fe, requested the Department's Inspector General to investigate the allegations made by Martin, the Inspector General declined to do so.

[1] As BLM properly noted, the party filing the protest has the burden of showing by competent evidence that there is something fraudulent or illegal concerning the drawing entry card at issue, or that the regulations have been otherwise violated. This Board has repeatedly held that a protest against issuance of an oil and gas lease is properly dismissed where it is based on vague allegations of noncompliance with leasing regulations and is unsupported by facts showing that the successful drawee should have been disqualified. Geosearch, Inc., 64 IBLA 149 (1982); Phillip A. Kulin, 53 IBLA 57 (1981); Geosearch, Inc., 50 IBLA 347 (1980); Geosearch, Inc., 48 IBLA 51 (1980). Appellant has not presented any evidence either to BLM or with this appeal in support of the allegations of improprieties. Therefore, the protest was properly dismissed.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Bruce R. Harris
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

